

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|  |             |                                       |
|--|-------------|---------------------------------------|
| IN RE:<br>J'Me McLaughlin, aka J'Me Johnson                                  | Debtor      | 17-17302 MDC<br>Chapter 13 Proceeding |
| BANK OF AMERICA, N.A.  | Movant      |                                       |
| v.<br>J'Me McLaughlin, aka J'Me Johnson<br>and<br>William C. Miller, Esquire | Respondents |                                       |

**MOTION OF BANK OF AMERICA, N.A.  
FOR RELIEF FROM THE AUTOMATIC STAY**

AND NOW, comes secured Creditor, BANK OF AMERICA, N.A.(Movant) by and through its counsel, POWERS KIRN & ASSOCIATES, LLC, (Jill Manuel-Coughlin on behalf of the firm), hereby requests that the Court grant it relief pursuant to 11 U.S.C. §362(d) from the automatic stay of 11 U.S.C. §362(a) due to lack of equity in debtor' property and debtor' failure to provide Movant with adequate protection of its interest in the property which is the basis of the creditor's security.

1. On or about October 27, 2017, Debtor filed a Chapter 13 Bankruptcy Petition.
2. The Debtor has executed and delivered or is otherwise obligated with respect to that certain promissory note in the original principal amount of \$126,022.00 (the "Note"). A copy of the Note is attached hereto as **EXHIBIT A**. Movant is an entity entitled to enforce the Note.
3. On 7/7/2008, the debtor executed a Mortgage to Movant and/or Movant's assignor (recorded 7/10/2008 at Book 4398; Page 342) and secured by the property located at 800 East 24th Street, Chester, PA 19013, referred to as the "Property" (**EXHIBIT B**). All rights and remedies under the Mortgage have been assigned to the Movant pursuant to an assignment of mortgage (**EXHIBIT C**).
4. As of 2/14/2018, the total owing to Movant is \$162,359.01.
5. Per Debtor's Schedule A, the approximate value of the property is \$98,259.00 (**EXHIBIT D**).
  - a. Per Schedule D, Discover Bank holds a junior lien on the property with an approximate balance of \$14,252.00.
6. As of 2/14/2018, the debtor is in arrears post petition for three (3) monthly payments, from December 2017 through February 2018 at \$1,075.14 per month. The total post-petition arrearage is \$3,225.42, less \$1,050.00 debtor suspense for a total of **\$2,175.42**.
7. Pursuant to 11 U.S.C.A. section 362(d)(1) and (2), BANK OF AMERICA, N.A. is not adequately protected and will suffer irreparable injury, harm and damage if relief from the stay is not granted.

WHEREFORE, Movant respectfully request the Honorable Court ORDER:

That Relief from the Automatic Stay be granted to BANK OF AMERICA, N.A. to proceed with foreclosure action to obtain all other Relief available under Non-Bankruptcy law. And that Bankruptcy Rule 4001(a)(3) is not applicable and Movant is allowed to immediately proceed with foreclosure and all other relief available under the Non-Bankruptcy law. Furthermore, Movant respectfully requests that reasonable attorneys fees and costs associated with this Motion be awarded to Movant.

RESPECTFULLY SUBMITTED,  
POWERS KIRN & ASSOCIATES, LLC

By: /s/ Jill Manuel-Coughlin, Esquire  
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17-0423

Dated: February 27, 2018